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Civilian Personnel

**Equal Employment Opportunity Program for Individuals
With Disabilities—Reasonable Accommodation Procedures**

For the CG, USAREUR/7A:

E. PEARSON
Colonel, GS
Deputy Chief of Staff

Official:



GARY C. MILLER
Regional Chief Information
Officer - Europe

Summary. This regulation provides policy and procedures for the Army in Europe Equal Employment Opportunity Program for Individuals With Disabilities.

Applicability. This regulation applies to—

- Commanders and directors of U.S. Army organizations in the European theater.
- Current and former U.S. employees of, and U.S. personnel applying for employment with, U.S. Army organizations in the European theater.
- Individuals authorized to use U.S. Army activities or facilities in Europe that are required to be accessible to the public.

Supplementation. Organizations will not supplement this regulation without USAREUR G1 (AEAGA-EEO) approval.

Forms. AE and higher-level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the USAREUR G1 (AEAGA-EEO, DSN 370-8677/8771). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-EEO), Unit 29351, APO AE 09014-9351.

Distribution. A (AEPUBS).

CONTENTS

1. Purpose
2. References
3. Explanation of Abbreviations and Terms
4. Policy
5. Responsibilities
6. IWD Complaint Management
7. Definition of IWD
8. Reasonable Accommodation
9. Reasonable Accommodation Procedures for Employees
10. Reasonable Accommodation Procedures for Job Applicants
11. Determining Reasonable Accommodation
12. Future Accommodations
13. Denial of Requests for Reasonable Accommodation
14. Confidentiality of Medical Information
15. Temporary Accommodation
16. On-the-Job Injury and Occupational Diseases
17. Program Resources for Providing Reasonable Accommodation

Appendixes

- A. References
- B. Commander's Checklist
- C. Authority for the Program for Individuals With Disabilities
- D. Reporting Accommodations of Individuals With Disabilities
- E. Requesting Reasonable Accommodation When a Disability is Not Readily Apparent or the Type of Accommodation Needed is Unknown
- F. Computer/Electronic Accommodations Program

Figures

- D-1. Format for Reporting Accommodations of Individuals With Disabilities
- E-1. Format for Requesting Reasonable Accommodation When the Disability is Not Readily Apparent or the Type of Accommodation Needed is Unknown

Glossary

1. PURPOSE

This regulation—

a. Provides guidance on the structure, operation, and responsibilities of the Army in Europe Equal Employment Opportunity (EEO) Program for Individuals With Disabilities (PIWD). This program applies only to U.S. personnel according to the United States Code, Title 5 (5 U.S.C.).

b. Implements the requirements of Executive Order 12106; the Civil Rights Act of 1964, Title VII, section 717, as amended; the Civil Rights Act 1991; the Civil Service Reform Act of 1978; the Rehabilitation Act of 1973, sections 501 and 504, as amended; the Vietnam Era Veterans Readjustment Assistance Act of 1974; 5 U.S.C. 7201; 42 U.S.C. 2000E-16; Code of Federal Regulations, Title 29, part 1614; Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), and HQDA directives; and Reorganization Plan Number 1 of 1978.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. POLICY

a. DOD organizations must make reasonable accommodation to known physical or mental limitations of a qualified applicant or employee with disabilities unless it can be shown that the accommodation would be an undue hardship for the organization.

b. DA policy is to actively seek opportunities to hire, train, and promote individuals with disabilities (IWDs), including disabled veterans, with emphasis on those who are 30 percent or more disabled. The DA 5-year goal is for 11,220 IWDs to be included in the Army workforce; with 2 percent employment of individuals with targeted disabilities. The Army in Europe goal is to support the DA goal.

c. Army in Europe policy is to provide employment opportunities to IWDs, especially to individuals with targeted disabilities. Special emphasis will be given to recruiting and retaining individuals with targeted disabilities and severely disabled veterans (veterans with service-related disabilities of 30 percent or more). Reasonable accommodations will be provided to promote equal opportunity in recruiting, hiring, advancing, developing, and retaining IWDs in as many major organizational elements, occupational categories, and grade levels as possible.

5. RESPONSIBILITIES

Responsibility for all aspects of the EEO Program extends from the Secretary of the Army through the chain of command to commanders, managers, and supervisors at all levels. Specific responsibilities are as follows:

a. The CG, USAREUR/7A, or designee has overall responsibility for monitoring compliance with this regulation.

b. The Chief, EEO Office, HQ USAREUR/7A, will—

(1) Establish Army in Europe policy and procedures for developing and maintaining a strong PIWD. This program should also include disabled veterans at all levels of the workforce.

(2) Provide leadership to develop and maintain effective accommodation procedures for employees and applicants for employment.

(3) In coordination with the EEO Office, IMA-EURO, evaluate the effectiveness of efforts to remove barriers to the employment of IWDs, including architectural and attitudinal barriers and personnel policy or procedures that prevent or hinder equal opportunity for IWDs in the Army in Europe.

(4) Conduct periodic command program evaluations of USAREUR units to evaluate compliance with IWD policy and accommodation procedures.

(5) Monitor and evaluate the progress of disability program actions of USAREUR units included in various USAREUR reports.

c. The Director, Civilian Personnel Directorate, Office of the Deputy Chief of Staff, G1, HQ USAREUR/7A, will—

(1) Identify, recommend, and suggest changes to program policy and initiatives.

(2) Coordinate with the United States Army Civilian Human Resources Agency, Europe Region (CHRA-E), on operational matters.

(3) Provide advice and assistance in accomplishing the employment actions outlined in EEO Management Directive 715 (MD-715) and meeting the standards for establishing and maintaining effective affirmative action programs.

d. The USAREUR G6 will provide guidance and assistance to organizations according to policy and procedures prescribed by the Rehabilitation Act of 1973, section 508; and AR 25-1.

e. Under the authority of IMA-EURO, garrison commanders will—

(1) Ensure that processes are in place and followed to promote the employment and retention of IWDs, especially individuals with targeted disabilities and disabled veterans. This includes providing reasonable accommodations and removing architectural and attitudinal barriers that hinder the employment of these individuals.

(2) Ensure that enough resources are provided to execute the program, including staffing according to established guidance.

(3) Provide appropriate IWD support to tenant activities.

(4) Ensure servicing EEO officers are involved with issues and activities that may affect IWDs (for example, accommodation requests, placement, disciplinary and adverse actions involving IWDs) at garrison level.

(5) Ensure that webpages and the information they provide are fully available to IWDs through the use of assistive technologies according to the Rehabilitation Act of 1973, section 508.

(6) Periodically conduct program reviews, including evaluations of program performance and support of IWD goals, activities, and employment of IWDs by servicing EEO personnel and management officials. Appendix B provides an IWD checklist for commanders to help with this evaluation.

(7) Conduct annual surveys of facilities and programs to ensure they are in compliance with the Architectural Barriers Act of 1968; the Rehabilitation Act of 1973, sections 501 and 504; the Uniform Federal Accessibility Survey; and AR 690-12.

(8) Ensure that when community facilities are repaired or constructed, they are designed to comply with the Uniform Federal Accessibility Standards and architectural provisions of the Architectural Barriers Act of 1968; the Rehabilitation Act of 1973, sections 501 and 504; the Uniform Federal Accessibility Survey; and AR 690-12. Also ensure that all community and morale, welfare, and recreation programs provided are accessible to IWDs.

(9) Designate reserved parking spaces for eligible IWDs and ensure that procedures are outlined for eligible individuals to obtain disabled placards for their privately owned vehicles.

f. The Chief, EEO Office, IMA-EURO, will—

(1) Provide leadership, advice, and assistance to subordinate EEO officers to implement Army in Europe IWD policy and accommodation procedures and maintain a strong PIWD, review individual programs for adequacy and compliance, and recommend program changes or improvements.

(2) Ensure this policy and the policy in AR 600-7, AR 690-12, and AR 690-600 are implemented.

(3) Help the Chief, EEO Office, HQ USAREUR/7A, evaluate actions by servicing EEO offices to remove barriers to the employment of IWDs as appropriate. These include architectural and attitudinal barriers and personnel policy or procedures that prevent or hinder equal opportunity for IWDs.

(4) Help the EEO Office, HQ USAREUR/7A, obtain information needed to conduct program analyses of EEO complaints and lawsuits when the complaint or lawsuit involves allegations of discrimination based on an individual's disability.

(5) Participate in program meetings with USAREUR that address IWD topics.

(6) Conduct periodic command program evaluations of IMA-EURO garrisons to evaluate compliance with IWD policy and accommodation procedures.

(7) Monitor and evaluate the progress of disability program action items of IMA-EURO garrisons included in various IMA-EURO reports.

g. Under the authority of the Chief, EEO Office, IMA-EURO, servicing EEO offices will—

(1) Apply EEO, EEOC, and OPM affirmative-employment policy, and communicate the commander's policy to all members of the workforce.

(2) Serve as the principal adviser to their commander on IWD matters.

(3) Provide technical guidance and assistance to, and oversight of, the designated IWD manager and ensure that the duties in (7) through (12) below are accomplished.

(4) Ensure EEO training includes an IWD training module.

(5) Develop, implement, monitor, evaluate, update, and prepare required plans and reports. AR 690-12 and EEO MD-715 provide information on affirmative employment plans. AR 690-12 provides information on the Disabled Veterans Affirmative Action Program plan and accomplishment report. Program plans should be developed and updated in collaboration with civilian personnel advisory centers (CPACs), managers, and supervisors.

(6) Follow up within 30 days after accommodating or placing IWDs to ensure they are being provided a fair opportunity to successfully perform assigned duties. The follow-up should include a discussion with both the supervisor and the employee. The servicing EEO office should work to resolve any remaining or new program concerns that arise.

(7) Provide guidance and assistance to CPACs on processing or resolving complaints and grievances based on issues of accommodation.

(8) Provide guidance and assistance to management and employees in processing requests for accommodation and assistive devices (for example, for new employees, employees who are injured on or off the job, employees who may no longer be able to perform assigned duties because of physical or mental conditions).

(9) Represent the commander at meetings and conferences on issues that are beneficial to the PIWD and DA.

(10) Provide guidance and assistance to the commander in identifying and removing facility architectural barriers.

h. Directors of CPACs will—

(1) Advise management on how to identify and develop strategies to remove employment barriers to ensure affirmative employment is provided to IWDs.

(2) Work with the Civilian Personnel Operations Center to encourage management to include IWDs and disabled veterans in the area of recruitment. Directors will also advise management of recruitment initiatives for IWDs and disabled veterans.

(3) Advise managers to report IWD issues to the EEO office, including accommodation issues that may be affecting an employee's performance of assigned duties.

(4) Coordinate with the EEO office on workers compensation cases requiring reasonable accommodation to effect a return to duty.

(5) Advise managers on career advancement, employee-development programs, and upward-mobility programs that may assist IWDs and disabled veterans in developing the skills needed to advance at all levels of the organization.

i. Staff judge advocates (SJAs) will, as required by regulation or when requested by the command and staff, provide advice and legal reviews of employment accommodation actions, adverse actions, discrimination complaints, policy, plans, procedures, and other specific actions related to IWDs.

j. The Commanding General, United States Army Europe Regional Medical Command, will provide appropriate counseling to IWDs through behavioral health services in accordance with beneficiary guidelines.

k. The Commander, United States Center for Health Promotion and Preventive Medicine - Europe, will provide support according to Federal, DOD, and local guidelines for occupational health and industrial hygiene on all issues and activities that affect IWDs.

l. Managers and supervisors, under the leadership of the commander and with the advice and assistance of the servicing EEO officer, will—

(1) Ensure fair and equitable treatment in the hiring, training, development, advancement, and all other aspects of employment of IWDs, including disabled veterans, and employees injured on or off the job. This includes fair and equitable treatment of IWDs and disabled veterans when adverse actions and performance-related issues arise.

(2) Provide reasonable accommodation as appropriate and within their scope and authority to allow IWDs and disabled veterans to satisfactorily perform the duties of their position. Appendix C provides the authority for the PIWD.

(a) Requests for accommodation outside the supervisory authority of the manager or supervisor must be coordinated with the servicing EEO office.

(b) Before effecting an adverse action due to an individual's inability to perform the duties of the position, all efforts must be made to provide reasonable accommodation.

(3) Follow Army in Europe accommodation procedures.

(4) Keep the servicing EEO office informed of IWD actions and activities.

6. IWD COMPLAINT MANAGEMENT

Complaints by IWDs who are prevented from participating in or attending Federally sponsored programs or gaining access to Federally owned or leased buildings or to Army facilities because of architectural design or other barriers are normally processed according to AR 600-7. Complaints alleging discrimination in employment are normally processed according to AR 690-600.

7. DEFINITION OF IWD

An individual is considered an IWD if any of the following apply:

a. The individual has a physical or mental impairment that substantially limits one or more of his or her major life activities (for example, caring for oneself, performing manual tasks, breathing, hearing, learning, seeing, speaking, walking, working). A physical or mental impairment means either of the following:

(1) The individual has a psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more systems, such as cardiovascular, digestive, endocrine, genito-urinary, hemic and lymphatic, musculoskeletal, neurological, reproductive, respiratory, skin, and special-sense organs.

(2) The individual has a mental or psychological disorder, such as emotional or mental illness, mental retardation, organic brain syndrome, and specific learning disabilities.

b. The individual has a record of having a mental or physical impairment. This means that the person has a history of, or has been classified or misclassified as having, a mental or physical impairment that substantially limits one or more major life activity.

c. The individual is regarded as having a mental or physical impairment. This includes individuals who are perceived to have disabilities. The reason for an accommodation, however, must be related to an actual medical condition.

8. REASONABLE ACCOMMODATION

a. Reasonable accommodation is a logical change or adjustment to either of the following:

(1) A job or worksite to make it possible for an otherwise qualified employee with a disability to perform the essential functions of a position.

(2) The hiring process to enable an applicant with a disability to have an equal opportunity to participate in the application process and be considered for a job.

b. A request for reasonable accommodation is a statement that an individual needs an adjustment or a change at work or in the application process for a reason related to a medical condition.

c. Reasonable accommodations must be provided to qualified employees regardless of whether they work part- or full-time, or are considered probationary, temporary, excepted service, or term. A qualified employee is one who has been adequately performing the essential functions of the position, with or without reasonable accommodation. An employee with a disability who is unable to perform the essential functions, with or without reasonable accommodation, is not a qualified employee.

d. Reasonable accommodation for applicants for employment includes modifying the job-application process to permit an IWD to be considered for a job (para 10).

9. REASONABLE ACCOMMODATION PROCEDURES FOR EMPLOYEES

The accommodation procedures in this paragraph apply to IWDs with long- and short-term disabilities, as well as disabilities due to on-the-job injuries or occupational diseases. The employee normally requests reasonable accommodation if needed, but a third party with knowledge of the needed accommodation (for example, family member, health professional, other representative) may also request the accommodation. The organization should confirm with the IWD that he or she in fact wants a reasonable accommodation. Requests may be made verbally or in writing to the employee's immediate supervisor and must explain the medical condition and how it may be accommodated. Requests need not include any particular terminology (such as "reasonable accommodation") or mention the Rehabilitation Act of 1973.

a. Obvious Disability and Type of Accommodation. In many cases, both the disability and the type of accommodation will be obvious and do not require medical documentation. In these cases, a verbal request will suffice to begin the process for the supervisor to approve or deny the request for reasonable accommodation.

(1) If an accommodation is within the capability of the organization to provide (for example, the provision of chairs, desks, or other office furniture; foot stools; special monitors for the visually impaired), the supervisor will take action to procure or make the required accommodation.

(2) The supervisor will inform the servicing EEO office within 5 days after the accommodation is made using the format in appendix D. The EEO office will maintain this information for program evaluation and reporting purposes.

(3) If an organization is unable to grant an accommodation, the servicing EEO office will be contacted. The EEO office will coordinate the action with appropriate offices (for example, legal, personnel) to determine if the accommodation can be made using other resources or if alternate action is possible (for example, reassignment to a vacant position). The supervisor will provide written notification to the employee that his or her request has been submitted to the servicing EEO office for consideration.

b. Not So Obvious (Hidden) Disability and Type of Accommodation. If a disability is not readily apparent or the type of accommodation needed is unknown, the supervisor will advise the employee to submit a written request with current, specific medical documentation that fully shows the nature, extent, severity, and duration of the disability to support the request for accommodation. The medical documentation must address the medical condition and how it affects the employee's job performance. Appendix E provides the format for requesting reasonable accommodation when a disability is not readily apparent or the type of accommodation needed is unknown.

(1) The approval process will be delayed until sufficient documentation is received. The employee will be informed that failure to provide necessary documentation when it has been properly requested may result in the request being denied.

(2) Once the medical documentation is received, management may have the documentation reviewed by its own medical expert at its own expense. Management may request that the individual requesting accommodation be examined by its own physician only if the individual has not provided sufficient documentation from his or her own healthcare provider or other appropriate professional to substantiate the existence of a disability and the need for reasonable accommodation.

(a) Before requesting an internal medical examination, it should be clearly explained to the individual exactly which information is needed. The individual must be given an opportunity to obtain sufficient documentation from his or her healthcare provider.

(b) When an internal medical examination is warranted, the individual must be informed that failure to agree to it could result in a denial of reasonable accommodation.

c. Placement in Different Positions. Placing an employee in a different position is a "last resort" accommodation that should be considered only if no other effective accommodation is available to enable the employee to perform the essential functions of his or her current job, or if all other possible accommodations would impose undue hardship. Such placement is available only to employees, not applicants. All qualified employees with disabilities, regardless of status (for example, permanent, excepted service, temporary, term, probationary), are entitled to be considered for placement in a different position as a reasonable accommodation. The employee must be qualified and able to perform the essential functions of the different position, with or without reasonable accommodation.

(1) Placement in a different position may be made only to a vacant position on a noncompetitive basis. The employee does not need to be the best-qualified individual for placement in the position. Management is not required to create new positions or move employees to create a vacancy.

(a) If no equivalent vacant position (for example, in terms of pay or status) exists, the IWD may be placed, by a change to lower grade, in a vacant, lower-grade position for which he or she is qualified.

(b) If management is considering placing an IWD at a lower grade, the supervisor, in coordination with the servicing CPAC, will provide written notification to the EEO office on the efforts made to reassign the IWD to an equivalent position. Management must also identify the lower-grade position and its location.

(2) An employee's declination to accept—

(a) An equivalent position in the same commuting area may be grounds for removal from employment.

(b) A lower-grade position may ultimately lead to the employee's removal if an equivalent position does not become available within 30 days after the offer was made to place the employee in a lower-grade position.

10. REASONABLE ACCOMMODATION PROCEDURES FOR JOB APPLICANTS

Qualified applicants with disabilities may request modifications or adjustments to the job-application process to enable them to be considered for positions in which they are interested. A qualified applicant is one who would be able to perform the essential functions of the position, with or without reasonable accommodation. The applicant must contact the POC listed on the job announcement and indicate his or her medical condition and the type of accommodation requested.

11. DETERMINING REASONABLE ACCOMMODATION

a. Actions on requests for reasonable accommodation should be completed as quickly as possible. In some cases, however, the action may be delayed. Reasons why action on a request for accommodation may be delayed include the following:

(1) The medical documentation is insufficient.

(2) Questions about the qualifying disability need to be addressed.

(3) The reasonability of the accommodation is questionable.

(4) Related matters that cannot be determined or acted on by the individual's supervisor.

b. If action on a request for reasonable accommodation is delayed, the applicant or employee will be advised that questions need to be answered about the reasonable accommodation, but that the process will be started immediately to make a decision. The section manager or supervisor should then promptly coordinate the request with the servicing EEO office, which may coordinate with the servicing CPAC and SJA, as appropriate.

12. FUTURE ACCOMMODATIONS

a. Once a disability is recognized or documented, future requests to accommodate an IWD do not need to go through the approval process. Normally, management should already be aware of future accommodations that may be needed because of changes in the IWD's medical condition. The supervisor will inform the EEO office of these additional accommodations within 5 days after the accommodation is made using the format in appendix D. The supervisor may contact the EEO office if assistance is needed with identifying the next appropriate accommodation.

b. If the supervisor believes he or she can no longer accommodate an IWD, the servicing EEO office will be notified. The EEO office will coordinate the action with appropriate officials who may be able to identify an alternate accommodation within the same or different organization.

13. DENIAL OF REQUESTS FOR REASONABLE ACCOMMODATION

a. If a request for reasonable accommodation is denied, the supervisor will prepare a letter addressed to the individual with an explanation of the reason or reasons for denial. The letter must—

(1) Be written in plain language and provide as much specific information as possible.

(2) Identify the employee or office that made the decision.

(3) Be coordinated with the servicing EEO office before being given to the employee.

(4) Inform the individual that he or she has a right to file an EEO pre-complaint within 45 calendar days after the denial if the individual believes that he or she has been discriminated against on the basis of his or her disability. The servicing EEO office will provide the wording for this paragraph.

b. If the requested accommodation is being denied, but a different one is being offered in its place, the letter must explain both the reasons for the denial of the requested accommodation and the reasons why the alternate accommodation will be an effective accommodation.

14. CONFIDENTIALITY OF MEDICAL INFORMATION

Medical information must be kept confidential and shared only with those who have a need to know (for example, the servicing CPAC, EEO office, labor counselor, SJA, supervisor). This medical information must be kept apart from official personnel files. On request, the EEOC has the right to review all relevant records for program evaluation.

15. TEMPORARY ACCOMMODATION

a. Employees may experience short-term or temporary medical conditions that require temporary accommodation of 6 months or less (for example, when an employee has temporary back problems, is recovering from eye surgery, or suffers an injury that temporarily restricts his or her mobility). Supervisors should make every effort to accommodate employees with temporary disabilities. The supervisor will inform the servicing EEO office within 5 days after making the accommodation using the format in appendix D.

b. Methods of accommodation vary widely and are case-specific. Under the Family Medical Leave Act, employees who have completed 12 months of Federal service are entitled to 12 weeks of leave without pay (LWOP). LWOP may be substituted for annual or sick leave. As a minimum, the manager must grant accommodation for 12 weeks. Supervisors should coordinate with the EEO office if they are uncertain about reasonable accommodations or when considering accommodations that are normally outside their authority.

16. ON-THE-JOB INJURY AND OCCUPATIONAL DISEASES

Accommodations for job-related disabilities must be coordinated with the servicing EEO office. Employees who are disabled because of an on-the-job injury or occupational disease will be provided reasonable accommodation according to this regulation. Management may be required to create light-duty positions if employees are disabled while performing official duties. Management may also be required to restructure the duties or provide modified scheduling (including part-time work).

17. PROGRAM RESOURCES FOR PROVIDING REASONABLE ACCOMMODATION

Many ways are available to provide reasonable accommodation. Flexi-place, flexi-time, alternative work schedules, and telecommuting programs may be considered as short- or long-term accommodations. The appropriateness of these methods should be coordinated in advance with the servicing CPAC.

a. The Computer/Electronic Accommodations Program (CAP) (<http://www.tricare.osd.mil/cap>) provides guidance on and assistance with identifying and providing reasonable accommodations and assistive devices. The CAP helps ensure that all disabled DOD employees get equipment that best suits their needs at no charge to the employer. Appendix F provides more information about the CAP.

b. The Job Accommodation Network (JAN) (<http://janweb.icdi.wvu.edu>) is a free consulting service of the Office of Disability Employment Policy, United States Department of Labor, that provides information about job accommodations, the Americans with Disabilities Act, and the employability of IWDs. JAN is not a job-placement service. It is located at West Virginia University (P.O. Box 6080, Morgantown, WV 26506-6080; telephone 1-800-526-7234 (voice and teletypewriter (TTY))).

APPENDIX A REFERENCES

SECTION I PUBLICATIONS

AR 25-1, Army Knowledge Management and Information Technology Management

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 415-15, Army Military Construction Program Development and Execution

AR 420-70, Building and Structures

AR 600-7, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army

AR 600-23, Nondiscrimination in Federally Assisted Program

AR 608-75, Exceptional Family Member Program

AR 690-12, Equal Employment Opportunity and Affirmative Action

AR 690-600, Equal Employment Opportunity Discrimination Complaints

Equal Employment Opportunity Commission (EEOC) Equal Employment Opportunity Management Directive 715
(<http://www.eeoc.gov/federal/md715/index.html>)

EEOC Directives Transmittal Number 915.003, EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation
(http://www.eeoc.gov/policy/docs/accommodation_procedures.html)

EEOC-M-1A, Technical Assistance Manual on the Employment Provisions (Title I) of the Americans With Disabilities Act
(<http://www.ada-infonet.org/documents/titleI/tech-assist-man.asp>)

People With Disabilities in the Federal Government: An Employment Guide
(http://www.opm.gov/disability/text_files/Employment_Guide.PDF)

SECTION II FORMS

SF 256, Self-Identification of Handicap

DA Form 2028, Recommended Changes to Publications and Blank Forms

APPENDIX B
COMMANDER'S CHECKLIST

Periodic program reviews should be conducted to ensure the goals and objectives of the Program for Individuals With Disabilities (PIWD) are implemented. The checklist below identifies key areas to look for when conducting program reviews.

Program for Individuals With Disabilities Checklist	
Self-identification surveys have been conducted to give employees the opportunity to identify any disabilities that may need present or future accommodation.	
Accessibility surveys have been conducted to identify architectural barriers that may hinder access to facilities, programs, and employment for individuals with disabilities (IWDs), and survey results have been presented to top management officials.	
Collaboration on issues and activities that may affect the goals or efforts of the PIWD is taking place with other activities and organizations, as appropriate. The equal employment opportunity (EEO) office, the civilian personnel advisory center, and legal offices are coordinating actions, as needed.	
Publicity for the PIWD and reasonable accommodation is ongoing to ensure employees are aware of the procedures.	
IWD data tables are prepared and evaluated in the annual EEO Management Directive 715 affirmative employment plan and accomplishment report, and action plans are developed as needed. The action plan is current and signed by the commander.	
The annual Disabled Veterans Affirmative Action Program plan and accomplishment report are current and signed by the commander. The accomplishment report shows progress toward reaching the action items identified in the plan.	
Management officials are complying with the Army in Europe accommodation procedures. This means that accommodations that are made are being reported to the EEO office according to appendix D.	

APPENDIX C
AUTHORITY FOR THE PROGRAM FOR INDIVIDUALS WITH DISABILITIES

Presidential Executive Orders (EOs)	
EO 11521 Authorizing Veterans Readjustment Appointments for Veterans of the Vietnam Era (http://www.archives.gov/federal-register/codification/executive-order/11521.html)	Authorizes veterans readjustment appointments (now called veterans recruitment appointments (VRAs)) for veterans of the Vietnam era. Issued in 1970 and still in effect.
EO 12250 Leadership and Coordination of Nondiscrimination Laws. (http://www.archives.gov/federal-register/codification/executive-order/12250.html)	Places responsibility for implementing the Rehabilitation Act of 1973, section 504, as amended, under the Attorney General for consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance.
EO 12640 The President's Committee on Employment of People With Disabilities (http://www.archives.gov/federal-register/codification/executive-order/12640.html)	Establishes the President's Committee on Employment of People with Disabilities. The Secretary of Defense is a member of the advisory council.
EO 12704 Amendments to Executive Orders Nos. 11830, 12367, and 12692 (no link available)	Amends EOs 11830, 12367, and 12692. Expands and renames the Interagency Committee on Employment of People with Disabilities (formerly the Interagency Committee on Handicapped Employees).
EO 13163 Increasing the Opportunity for Individuals With Disabilities to Be Employed in the Federal Government (http://www.va.gov/dmeeeo/exec/13163.htm)	Establishes policy for increasing employment opportunities for individuals with disabilities (IWDs) in the Federal Government.
EO 13164 Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (http://www.va.gov/dmeeeo/exec/13164.htm)	Requires Federal agencies to establish procedures to facilitate the provision of reasonable accommodation.
Public Laws (http://www.gpoaccess.gov/plaws/index.html)	
Public Law 90-480 Architectural Barriers Act of 1968	Requires all facilities (except those operated and used solely by able-bodied military or civilian personnel, or where great hazards exist) to be accessible and usable by IWDs.
Public Law 101-336 Americans with Disabilities Act (ADA)	Governs the rights of IWDs when dealing with State and local Governments and private industry. A number of amendments to the Rehabilitation Act of 1973 were incorporated in the law that brings the Federal sector into alignment with the ADA (1992 amendment to the Rehabilitation Act of 1973).
Public Law 102-569 Rehabilitation Act Amendments of 1992	Makes employment standards established under Title I of the Americans with Disabilities Act applicable to Federal employment under the Rehabilitation Act of 1973, section 501.
Rehabilitation Act of 1973 (http://www.nationalrehab.org/website/history/act.html)	
Section 501 Employment of Handicapped Individuals	Mandates nondiscrimination by Federal agencies in its hiring practices and requires affirmative action in the hiring, placement, and advancement of qualified IWDs This section is enforced under Equal Employment Opportunity Commission (EEOC) regulations.

Section 502 Architectural and Transportation Barriers Compliance Board	Provides policy on architectural access (applies to buildings and facilities (physical structures or environments)) and establishes the Architectural and Transportation Barriers Compliance Board (now called the Access Board) to enforce the Architectural Barriers Act of 1968. DOD is a member of the Access Board.
Section 503 Employment Under Federal Contracts	Requires employers with Federal contracts or subcontracts of over \$2,500 to take affirmative actions for employing IWDs (enforced under regulations issued by the Office of Federal Contract Compliance Program of the United States Department of Labor).
Section 504 Nondiscrimination Under Federal Grants and Programs	Mandates nondiscrimination under Federal grants and programs. Applies to Federally funded programs (for example, non-employment programs and activities of Federal agencies).
Section 505 Remedies and Attorneys' Fees	Gives IWDs the same remedies, rights, and procedures with respect to discrimination complaints as are given to minorities and women under the Civil Rights Act of 1964, Title VII, as amended.
Section 508 Electronic Equipment Accessibility	Requires that information technology and other electronic office equipment purchased or leased by the Federal Government be made accessible to IWDs, including Federal employees.
United States Code (U.S.C.) (http://uscode.house.gov/search/criteria.shtml)	
5 U.S.C.	Establishes standards applicable to Federal employment for Government organizations and employees.
5 U.S.C. 3102	Provides policy on employing personal assistants for IWDs.
5 U.S.C. 3112	Provides policy on the noncompetitive appointment of 30-percent or greater disabled veterans (formally 5 CFR 315.707).
5 U.S.C. 3312, 3351, and 3363	Provides policy on waiving physical qualification requirements for certain disabled veterans.
5 U.S.C. 6381 to 6387 Family and Medical Leave Act of 1993	Gives most Federal employees up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons.
20 U.S.C. 1400 Individuals with Disabilities Education Act (IDEA), as amended	Requires the delivery of a seamless web of special education and early-intervention services for children with disabilities from birth through age 21.
29 U.S.C. 791(a)	Establishes the Interagency Committee on Employment of People With Disabilities. DOD is a member under EO 11830.
29 U.S.C. 791(b)	Requires affirmative action in Federal employment of IWDs according to the Rehabilitation Act of 1973, section 501(b).
29 U.S.C. 794	Prohibits discrimination against otherwise qualified IWDs in programs and activities assisted or conducted by the Federal Government.
36 U.S.C. 121	Designates October of each year as National Disability Employment Awareness Month.
38 U.S.C. 4104	Provides policy on eligibility for veterans' readjustment counseling and related mental-health services.
38 U.S.C. 4214	Provides affirmative employment plans for disabled veterans in the Federal Government.
40 U.S.C. 762a and b Telecommunications Accessibility Enhancement Act of 1988	Requires that the Federal Telecommunications System is made usable by people with hearing and speech impairments, including those who are Federal employees.

42 U.S.C. Civil Rights Act of 1991; amends the Civil Rights Act, Title VII	Affects rights available under the Rehabilitation Act of 1973, section 501. New rights include the right to a jury trial and compensatory damages. (Previously, individuals were entitled to recover only wages and the cost of litigation.)
42 U.S.C. 3601 to 3619 Fair Housing Amendments of 1988	Prohibits discrimination on the basis of disability in multifamily housing, including military family housing. This law expands the coverage of the Civil Rights Act, Title VII.
42 U.S.C. 4151 to 4157 Architectural Barriers Act of 1968, as amended	Requires that buildings and facilities designed, constructed, or altered after 1968, or leased after 1977, by or for the Federal Government be made accessible to and usable by IWDs.
Code of Federal Regulations (CFR) (http://www.access.gpo.gov/nara/cfr/cfr-table-search.html)	
5 CFR 213.3102(t)	Provides information on noncompetitive Schedule A appointments of individuals with mental retardation.
5 CFR 213.3102(u)	Provides information on noncompetitive Schedule A appointments of individuals with severe physical disabilities.
5 CFR 213.3102(l)	Provides information on noncompetitive Schedule A appointments of readers, interpreters, and personal assistants.
5 CFR 213.3202(k)	Provides information on noncompetitive Schedule A appointments of individuals who are mentally restored.
5 CFR 720.301, subpart C	Provides Disabled Veterans Affirmative Action Program guidelines (Federal Register, vol 59, sec 33362).
5 CFR 307.103	Is the basic authority for noncompetitive VRAs.
5 CFR 315.705	Provides information on converting VRAs.
5 CFR 315.709	Allows the conversion to competitive status of persons with mental retardation or severe physical disabilities.
5 CFR 316	Provides policy on VRAs.
5 CFR 316.402(b)(5)	Provides policy for the temporary appointment of certain individuals who are VRA eligible.
5 CFR 630.1201, subpart L	Office of Personnel Management regulation that implements the Family and Medical Leave Act as it applies to Federal employees.
14 CFR 382	Provides Department of Transportation regulations setting requirements for aircraft, service, and dispute resolutions under the Air Carrier Access Act.
24 CFR 100, chapter I	Provides Fair Housing Accessibility Guidelines, issued by the Department of Housing and Urban Development, March 6, 1991. See also Questions and Answers About the Guidelines, published June 28, 1994, as appendix IV of the guidelines (Federal Register, vol 59, sec 33362).
28 CFR 36	Provides United States Department of Justice (DOJ) regulations prohibiting discrimination on the basis of disability by public accommodations and in commercial facilities. Incorporates Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities by reference.
28 CFR 41	Provides DOJ coordinating regulations for nondiscrimination on the basis of disability in Federally assisted programs.

29 CFR 1614.203	Provides EEOC regulations prohibiting discrimination in Federal civilian employment against qualified IWDs and requiring Federal agencies to provide reasonable accommodation and eliminate architectural and other barriers for employees and applicants with disabilities.
36 CFR 1150	Provides Access Board's procedures for processing complaints under the Architectural Barriers Act of 1968. DOD is a member of the Access Board.
36 CFR 1190	Provides minimum guidelines and requirements for accessible design. Issued by the Access Board under the Architectural Barriers Act of 1968. Federal accessibility standards must comply with the Architectural Barriers Act of 1968.
36 CFR 1191	Provides Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities. Issued by the Architectural and Transportation Barriers Compliance Board under the ADA.
41 CFR 201	Federal Information Management Regulation (FIRMR) amendment on electronic accessibility, implementing 29 U.S.C. 794d and 40 U.S.C. 762.
41 CFR 301 through 309 and 311	Provides special provisions of the Federal Travel Regulation to cover the travel expenses of Federal employees with disabilities.
49 CFR 37	Department of Transportation regulation requiring accessible transportation services for IWDs. Incorporates ADAAG by reference.
49 CFR 1374(c) Air Carrier Access Act of 1986	Requires airlines to accommodate IWDs.
DOD Guidance (http://www.dtic.mil/whs/directives)	
DOD Directive 1020.1 Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted By the Department of Defense	Implements the Rehabilitation Act of 1973, section 504, codified as 32 CFR 56, in DOD. Discusses program and facility accessibility.
DOD Directive 1341.6	Establishes the Veterans Employment Assistance Program.
DOD Directive 1440.1 DOD Civilian Equal Employment Opportunity (EEO) Program	Establishes the DOD PIWD based on laws and regulations related to equal opportunity and workforce diversity. Establishes the program as a special-emphasis program under the direction of civilian equal opportunity managers.
DOD Directive 5500.11 Nondiscrimination in Federally Assisted Programs	Implements the IDEA for DOD. Requires that free and appropriate education be provided for children with disabilities.
United States Department of Justice Guidance	
The Americans with Disabilities Act (ADA) Title II Technical Assistance Manual (http://www.usdoj.gov/crt/ada/taman2.html)	Requires public organizations to review their building and construction policy to ensure that construction of new facilities or part of a facility, or the alteration of existing facilities, after 26 January 1992 conforms to the standards designated under the ADA, Title II.
Equal Employment Opportunity Commission EEO Guidance	
EEO Management Directive 715 (MD-715) (http://www.eeoc.gov/federal/md715/index.html)	Sets forth a series of reporting requirements for agencies' affirmative employment programs. EEO MD-715 is EEOC policy guidance for developing and maintaining effective EEO programs that comply with the Rehabilitation Act and Title VII of the Civil Rights Act.
EEOC-M-1A (http://www.ada-infonet.org/documents/titleI/tech-assist-man.asp)	Technical Assistance Manual on the Employment Provisions (Title I) of the Americans With Disabilities Act (published by the EEOC).

EEOC Directives Transmittal Number 915.003 (http://www.eeoc.gov/policy/docs/accommodation_procedures.html)	EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.
Miscellaneous	
Charter: Overseas Dependents' Schools National Advisory Panel on the Education of Dependents With Disabilities (http://www.specialed.eu.dodea.edu/charter.htm)	Prescribe procedures for overseas assignment of military personnel and civilian employees who have children with educational disabilities who are entitled to receive educational instruction from Department of Defense Dependents Schools. Allows DOD to conserve resources by directing and coordinating assignments to locations where resources are readily available to serve students with disabilities.
Facilities and Housing Directorate Homepage (http://www.hqda.army.mil/acsim/fd/default.shtml)	Provides highlights of policy and requirements on life safety at Army installations and Army Reserve and National Guard facilities. Specifically addresses the subject of personnel accessibility (American Medical Association requirements), fire safety, and seismic considerations in all Government-owned and -leased buildings. Construction codebook references are provided for further use.
FIRMR Bulletin C8 (http://trace.wisc.edu/docs/taacmtg_aug96/sec508.htm)	Information accessibility for Federal employees with disabilities.
Telecommunications Access (http://www.fts.gsa.gov/frs/)	Telecommunications accessibility for individuals with hearing and speech impairments.
Uniform Federal Accessibility Standards (http://www.access-board.gov/ufas/ufas-html/ufas.htm)	Uniform standards for the design, construction, and alteration of buildings so that physically disabled persons will have ready access to and use of them according to the Architectural Barriers Act of 1968, 42 U.S.C. 4151 to 4157 (published as Federal Standard 795).

APPENDIX D
REPORTING ACCOMMODATIONS OF INDIVIDUALS WITH DISABILITIES

Commanders, managers, and supervisors will use the format in figure D-1 for reporting accommodations of individuals with disabilities. Information may be submitted to the servicing equal employment opportunity officer by e-mail or hard copy. This information will be used for program evaluation and reporting purposes.

TO: Equal Employment Opportunity Officer

Date

FROM:

Organization:

Telephone Number:

Name of person accommodated:

Title, series, and grade of the employee or the position for which applying:

Accommodation:

Reason for accommodation:

This accommodation is (choose one):

Permanent: _____

Temporary: _____

Estimated duration of temporary accommodation:

Cost of accommodation:

Results of accommodation:

Figure D-1. Format for Reporting Accommodations of Individuals With Disabilities

APPENDIX E

REQUESTING REASONABLE ACCOMMODATION WHEN A DISABILITY IS NOT READILY APPARENT OR THE TYPE OF ACCOMMODATION NEEDED IS UNKNOWN

Supervisors may require employees to submit requests for reasonable accommodation in writing with supporting medical documentation if the employee's disability is not readily apparent or the type of accommodation needed is unknown. The medical documentation must be current and specifically show the nature, extent, severity, and duration of the disability. Employees will use the format in figure E-1 to obtain required medical documentation from their healthcare provider.

TO: *Name of immediate supervisor*

Date

FROM:

Employee Name:

Telephone Number:

Title, series, and grade:

Organization:

TO BE COMPLETED BY THE HEALTHCARE PROVIDER

1. Describe the nature, extent, and severity of the medical condition that requires accommodation.

2. The condition is (choose one):

Permanent: _____

Temporary: _____

Estimated duration of temporary condition:

Reasonable accommodation is a logical change or adjustment to a job or worksite that makes it possible for an otherwise qualified employee with disabilities to perform the essential functions of a position.

3. Describe the specific change or adjustment in the job or worksite that will enable the employee to continue performing these duties in spite of the medical condition described in paragraph 1.

Name and Title of Healthcare Provider:

Medical Facility:

Address:

Telephone Number:

Signature:

Date:

Figure E-1. Format for Requesting Reasonable Accommodation When the Disability is Not Readily Apparent or the Type of Accommodation Needed is Unknown

APPENDIX F

COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM

F-1. GENERAL

The Computer/Electronic Accommodations Program (CAP) (<http://www.tricare.osd.mil/cap>) was established by DOD to help provide reasonable accommodations to individuals with disabilities (IWDs). The purpose of the CAP is to ensure that all disabled DOD employees get equipment that best meets their needs at no charge to the employer. The Defense Medical Information Management Office is the executive agent for the CAP. The CAP serves the DOD community by—

- a. Buying accommodations to make computer and telecommunications systems accessible to IWDs as required by Public Laws 99-506 and 100-542.
- b. Providing funds for sign-language interpreters, readers, and personal assistants for employees attending long-term training (2 days or more).
- c. Providing expertise in solving accessibility problems through the use of software, hardware, and other assistive technology.
- d. Providing training and educational support.

F-2. CHOOSING ACCOMMODATIONS

Choosing appropriate accommodations is best done on a case-by-case basis. Accommodation needs must be evaluated in consideration of an individual's job responsibilities and technical environment (for example, workstation configuration).

a. Needs Assessment. A needs assessment should be conducted to identify accommodations suited to an individual's specific situation. Employees with disabilities and their supervisors should always be involved in the needs assessment. This assessment should address the following questions:

(1) Job:

- (a) What are the essential job requirements?
- (b) Which skills (physical and cognitive) are required for job performance?

(2) Individual:

- (a) What are the individual's functional limits to meeting the job requirements?
- (b) Are there alternate approaches to meeting the essential job requirements?

(3) Solutions:

- (a) What accommodations, compatible with workstation, computer, and telecommunications systems, are available to meet the individual's needs?
- (b) Which alternative approach or accommodation is most suited for the individual in the specific work environment?

b. Types of Accommodation. Types of accommodation are divided into the following groups:

(1) For individuals who are deaf or hard of hearing:

- (a) Amplification devices.
- (b) Closed-caption decoders and captioning for training tapes.
- (c) Signaling devices.
- (d) Teletypewriters (TTYs).

- (e) TTY modems.
- (2) For individuals with visual impairments:
 - (a) Braille displays.
 - (b) Braille embossers.
 - (c) Portable note-takers.
 - (d) Print enlargers.
 - (e) Scanner/readers.
 - (f) Screen readers.
- (3) For individuals with impaired dexterity:
 - (a) Alternative input systems.
 - (b) Alternative keyboards.
 - (c) Alternative pointing devices.
 - (d) Keyboard-enhancement programs.
 - (e) Voice-recognition systems.
- (4) Training support provided to IWDs:
 - (a) Personal assistants.
 - (b) Readers.
 - (c) Sign-language interpreters.
 - (d) Training.

F-3. ASSISTANCE

The CAP staff (civ (703) 681-8811 (voice and TTY)) can advise on ways to provide reasonable accommodation.

GLOSSARY

SECTION I

ABBREVIATIONS

ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
CAP	Computer/Electronic Accommodations Program
CFR	Code of Federal Regulations
CG, USAREUR/7A	Commanding General, United States Army, Europe, and Seventh Army
CHRA-E	United States Army Civilian Human Resources Agency, Europe Region
CPAC	civilian personnel advisory center
DA	Department of the Army
DOD	Department of Defense
DOJ	United States Department of Justice
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
FIRMR	Federal Information Management Regulation
HQDA	Headquarters, Department of the Army
HQ USAREUR/7A	Headquarters, United States Army, Europe, and Seventh Army
IDEA	Individuals with Disabilities Education Act
IMA-EURO	United States Army Installation Management Agency, Europe Region Office
IWD	individual with disability
JAN	Job Accommodation Network
LWOP	leave without pay
MD	management directive
OPM	Office of Personnel Management
PIWD	Program for Individuals With Disabilities
POC	point of contact
SF	standard form
SJA	staff judge advocate
TTY	teletypewriter
U.S.	United States
USAREUR	United States Army, Europe
U.S.C.	United States Code
VRA	veterans recruitment appointment

SECTION II

TERMS

affirmative employment

Proactive steps or actions taken to provide equal opportunity in hiring, promotion, training, recognition, and all other aspects of employment to minority group members, women, and individuals with disabilities, including disabled veterans.

disabled veteran

A person who has separated from active duty in the armed forces under honorable conditions and who has established the present existence of a service-connected disability, or who is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department.

essential function

A duty that is so fundamental to a position that an individual cannot do the job without being able to perform it. A function may be considered essential if the position exists specifically to perform that function, there are a limited number of other employees who could perform the function if it were assigned to them, or the function is specialized and the incumbent is hired based on his or her ability to perform it.

not so obvious (hidden) disability

A disability that is not readily apparent, such as asthma, arthritis, cancer, chronic depression, chronic fatigue syndrome, diabetes, epilepsy, kidney disease, learning disabilities, and mild mental retardation.

qualified person with a disability

A person with a disability who can perform the essential functions of the position, with or without accommodation.

reasonable accommodation

A logical change or adjustment to a job or worksite that makes it possible for an otherwise qualified employee with disabilities to perform the essential functions of a position, or a modification or adjustment to the job-application process to enable a qualified applicant with a disability to be considered for the position that he or she desires.

targeted disability

A disability that is “targeted” for emphasis for the purpose of affirmative-action planning. Targeted disabilities include blindness, convulsive disorders, deafness, mental illness, mental retardation, missing extremities, partial or complete paralysis, and physical or genetic conditions affecting the limbs, spine, or both.

undue hardship

A specific accommodation that would cause significant difficulty or expense to the employer.

veteran

An individual who formerly served on active duty in the armed forces and meets the criteria established by the United States Code, Title 5, section 2108.